

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DEVIN CUMMINGS	§	
	§	
v.	§	CIVIL CASE NO. 4:20-CV-207-SDJ
	§	
OFFICER WEBB, ET AL.	§	

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 22, 2020, the Report of the Magistrate Judge, (Dkt. #31), was entered containing proposed findings of fact and recommendations that the Court: stay and administratively close this civil case until Plaintiff Devin Cummings’s underlying criminal proceedings in state court for resisting arrest and possession of marijuana are complete; instruct Plaintiff Devin Cummings to file a notice with the Court every six months; and deny as moot without prejudice to refile the pending Motions to Dismiss. (Dkts. #14, #17). Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.


It is therefore **ORDERED** that the Motions to Dismiss, (Dkts. #14, #17), are **DENIED as moot** without prejudice to refile following any reinstatement of this case.

It is further **ORDERED** this case is **STAYED** and **ADMINISTRATIVELY CLOSED** until Plaintiff Devin Cummings's underlying criminal proceedings in state court for resisting arrest and possession of marijuana are complete.

It is further **ORDERED** that Plaintiff Devin Cummings shall file a notice with the Court every six months regarding the status of the underlying criminal proceedings.

It is finally **ORDERED** that Plaintiff Devin Cummings shall file a "motion to reinstate" this case within thirty days from the date the underlying criminal proceedings are complete.

So ORDERED and SIGNED this 10th day of February, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE